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Paper No. 5

LAHIVE & COCKFIELD
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In re Application of :
Deo, et al. :
Application No. 10/035,637 :
Filed: November 7, 2001 :
Attorney Docket No. MXI-166CP :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the papers styled "Petition Requesting A Grant Of The Original Filing Date Under 37 CFR 1.182," filed on June 18, 2002 (Certificate of Mailing Date: June 10, 2002), which is being treated as a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of November 7, 2001, including page 39 of the specification.

The application was filed on November 7, 2001. However, on April 10, 2002, the Office of Initial Patent Examination (OIPE) mailed a "Notice To File Missing Parts Of Nonprovisional Application" that stated the application had been accorded a filing date, but page 39 of the specification appears to have been omitted.

In response, on June 18, 2002, the instant petition and a copy of page 39 of the specification were submitted. The papers were accompanied by a copy of applicant's postcard receipt that acknowledges receipt of sixty-nine (69) pages of specification, on November 7, 2001. A review of the application file indicates the presence of sixty-eight (68) pages of specification. It is assumed that page 39 of the specification was misplaced by the Office.

In view of the above, the petition is granted.

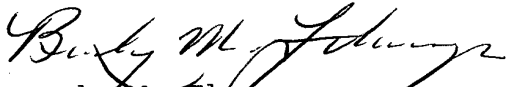
The \$130.00 petition fee submitted on June 18, 2002 will be refunded to deposit account no. 12-0080.

This application will be returned to OIPE for further processing with a filing date of November 7, 2001, using the copy of page 39 of the specification, supplied on June 18, 2002.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Edward Tannouse at (703) 306-9200.



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